

REMARKS

Applicants respectfully request reconsideration in view of the following remarks and amendments. Claims 1, 5, and 9 are amended. Accordingly, claims 1-15 are pending in the application.

I. Claims Rejected Under 35 U.S.C. § 103

Claims 1-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over “Using XML Schemas to Create and Encode Interactive 3-D Audio Scenes for Multimedia and Virtual Reality Applications,” by Potard (hereinafter “Potard”) in view of “Extending SMIL With 3D Audio,” by Pihkala (hereinafter “Pihkala”).

Claim 1, as amended, recites the elements of “the three-dimensional audio scene description information including a plurality of point sound sources that model the sound source,” and “the plurality of point sound sources are located on a surface defined by the three-dimensional space.” The amendments are supported, for example, by page 9, lines 28-33 of the Specification. Potard fails to teach or suggest these elements. Instead, as shown in Table 1, Potard teaches that each sound source may include attributes such as spatial size and shape. See Potard, Section 2.1. However, the spatial size and shape attributes are limited to *a single sound source* instead of the elements of “the three-dimensional audio scene description information including *a plurality of point sound sources that model the sound source*,” (emphasis added) as recited in amended claim 1. As disclosed in the Specification, one of the goals of the present invention is to reduce the amount of objects required to model a single sound source as compared to the prior art. See Specification, page 8, lines 14-18. This is accomplished by including point sound sources on the surface of the three-dimensional space to model the sound source object. See Specification, page 9, lines 18-31. In this fashion, a single sound object can be used to represent multiple point sound sources. Further, Potard fails to teach or suggest that the sound source is “located on a surface defined by the three-dimensional space,” as recited in amended claim 1. Thus, in view of at least these foregoing reasons, Potard fails to teach or suggest each element of amended claim 1.

Moreover, Pihkala also fails to teach or suggest the above cited elements of amended claim 1. Although Fig. 1 of Pihkala teaches that an SMIL audio object can be extended to

include x, y, and z coordinates to represent a sound source, this only relates to a single sound source instead of the elements of “a plurality of point sound sources that model the sound source,” as recited in amended claim 1. See Pihkala, Section 3.1. Further, Applicants note that the example SMIL object shown in Fig. 3 of Pihkala only includes a single sound source (i.e., src=“music.wave”) and is not “located on a surface defined by the three-dimensional space,” as recited in amended claim 1. See Pihkala, Section 3.4. Thus, for at least these reasons, Pihkala fails to teach or suggest each element of amended claim 1. Consequently, Potard in view of Pihkala fails to teach or suggest each element of amended claim 1. Accordingly, reconsideration and withdrawal of the rejection of claim 1 are respectfully requested.

In regard to claims 5 and 9, these claims are amended to recite analogous limitations to those in claim 1. Therefore, for at least the reasons mentioned in connection with claim 1, Potard in view of Pihkala fails to teach or suggest each element of base claims 5 and 9 as well. Accordingly, reconsideration and withdrawal of the rejection of claims 5 and 9 are respectfully requested.

With respect to dependent claims 2-4, 6-8, and 10-15, these claims are patentable over the cited art because each of these claims depends on base claim 1, 5 or 9. Accordingly, reconsideration and withdrawal of the rejection of claims 2-4, 6-8 and 10-15 are respectfully requested.

II. Non-Statutory Double Patenting

Claims 1-15 are provisionally rejected on grounds of non-statutory obviousness-type double patenting over claims 1-10 of U.S. Patent Application Serial No. 11/796,808 in view of Pihkala.

With respect to the provisional non-statutory double patenting rejection asserted by the Examiner, because co-pending divisional application 11/796,808 has not been issued at the date of this response and because the double patenting rejection is a *provisional one*, Applicants will address the provisional double-patenting rejection by filing a suitable terminal disclaimer at a later time. Moreover, in light of the amendments as discussed above, Applicants submit that claims 1-10 of co-pending divisional application 11/796,808 fail to teach or suggest each element

of claims 1-15 of the present application. In addition, again as discussed above, Pihkala fails to teach or suggest each element of claims 1-15.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

Respectfully submitted,

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Melissa Stead

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